

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING BOARD
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL
ON WEDNESDAY, DECEMBER 3, 1997**

Members Present: Robert Buford
William Hoffman
Peter Lilienfield
Allen Morris, Secretary

Members Absent: Patrick Gilmartin

Also Present: Brenda Livingston & Joseph Elliot, Ad
Hoc Planning

Board Members
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Robert Citarell, E.C.B. Member
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 94-03 -- Westwood Development Associates,
Inc.

Sht.10,10C,11,Lots
25K,25J2,25K2,25A,26A

- 96-13 -- Louis Goodkind
Sht. 10F, Bl. 253, Lot 15
- 97-28 -- Spectrum Irvington Corp.
Sht. 12B, Lot #4
- 97-29 -- Spectrum Irvington Corp.
Sht. 12B, Lot #18
- 97-30 -- Spectrum Irvington Corp.
Sht 12B, Lot #17
- 97-31 -- Spectrum Irvington Corp.
Sht. 12B, Lot #20
- 97-32 -- Spectrum Irvington Corp.
Sht. 12B, Lot #31
- 97-33 -- Spectrum Irvington Corp.
Sht. 12B, Lot #35
- 97-34 -- Spectrum Irvington Corp.
Sht. 12B, Lot #44
- 97-35 -- Spectrum Irvington Corp.
Sht. 12B, Lot #60
- 97-36 -- Douglas Wilson
Sht. 13B, P-44A2, 50A2, 50D, 50E
- 97-37 -- David H. Griffin
Sht. 7, P-39

Peter Lilienfield, Acting Chair, called the meeting to order at 8:00 p.m.

IPB Matter #96-13:
Goodkind for

Application of Louis W.
Preliminary Layout Approval for a
two lot
Subdivision of property at
Harriman Road and
Fieldpoint Drive.

Mr. Lilienfield noted receipt of a letter from Gerald D. Reilly, Esq., requesting the matter be adjourned until the January meeting of the Planning Board, as the materials requested by the Board on November 5, 1997 were not completed by the submission date.

IPB Matters #97-28,29,30,31, Application of Spectrum
Irvington Corp.,L.L.C.
32,33,34, & 35: **for Site Development Plan**
Approval for Lots 4,
17, 18, 20, 31, 35, 44, & 60,
Legend Hollow
Subdivision.

Messrs. Craig Studer and Dan Gray appeared for the Applicant. Applicant paid application fees and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. E.C.B. comments dated November 27, 1997 and Ralph Mastromonaco's memos dated December 3, 1997 were considered.

IPB Matter #97-28: **Lot #4**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #4) Legend Hollow, dated 10/31/97, revised 12/1/97", plus additional plans on page 2, regarding bio-filter mitigation plans to be included.

IPB Matter #97-29: **Lot #18**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #18) Legend Hollow, prepared 10/31/97, revised

12/1/97" which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

IPB Matter #97-30:

Lot #17

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #17) Legend Hollow, prepared 10/31/97, revised 12/1/97" which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

IPB Matter 97-31:

Lot 20

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #20) Legend Hollow" prepared 10/31/97, revised 12/1/97" which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

IPB Matter #97-32:

Lot #31

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #31) Legend Hollow, prepared 10/31/97, revised 12/1/97", with revised building configuration, location and added information per Board's Consulting Engineer's comments.

IPB Matter #97-33:

Lot #35

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #35) Legend Hollow prepared 10/31/97, revised 12/1/97", which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's consulting engineer.

IPB Matter #97-34:

Lot #44

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #44) Legend Hollow, prepared 11/3/97".

IPB Matter #97-35:

Lot #60

The Chairman opened the public hearing. There were not comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #60) Legend Hollow, prepared 11/3/97, revised 12/1/97", which revision incorporated changes requested by the Board's consulting engineer.

IPB Matter #97-36:
Wilson for Site

Application of Douglas

**Development Plan Approval for property at
24 Lewis Road.**

Earl Ferguson, Architect, appeared for the Applicant. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The proposed property development consists of a two car garage addition on the south side of existing residence. The addition will be 30' x 30' plus storage space and interior stair of 5' x 15' totaling 975 sq. ft. on the first floor, and a studio of 390 sq. ft. in the 0.5 story above. Also a one story addition to existing residence, including a 28'10" x 8'4" sunroom and 7'6"x9' foyer totaling 307.75 sq. ft. on the first floor, and a 15' x 17' conservatory and 7' x 10' addition to a bathroom at the second floor totaling 332.5 sq. ft. The additions will increase the footprint of the existing structure by 1,625 sq. ft., or 65%.

Drawings submitted were: "Survey of Property prepared for R. Douglas Wilson" prepared by Charles Riley, Land Surveyor, dated September 25, 1995; drawings prepared by Earl Ferguson: "Zoning Notes, dated 11/20/97", "Part Site Plan, dated 11/20/97", "Foundation Plan, dated 11/20/97", "First Floor Plan, dated 3/26/97", "Second Floor Plan, dated 7/16/97", "Exterior Elevations, dated 9/26/97", Exterior Elevations, dated 7/16/97", and "Building Sections, dated 9/26/97".

The Chairman, with the Board's concurrence stated that the application would be treated as an Application for Waiver of Site Development Plan Approval. There were no comments from the public. The Board noted that the proposal called for in excess of 15% increase in floor area, but determined this to be acceptable given the size of the property and the location of the house on the land. The Board then determined that this application is for a proposed action which is a Type II action under SEQRA. The waived DEIS requirements were erosion control, dry well modification and existing septic system.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed

alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #97-37:
Griffin for Renewal

100 South

Application of David H.
of Special Permit for property at
Broadway.

Timothy G. Griffin, Esq., appeared on behalf of the Applicant and furnished evidence that notice of the public hearing had been published and that notices had been sent to Affected Property Owners. The Applicant requests the renewal of a permit regarding use of the property that will expire January 31, 1998. There will be no change in the use of this property.

The Chairman opened the public hearing. Tom Lowe, 11 Dows Lane, voiced concerns regarding building use, multiple tenants, business hours, and permit not to be transferable. Bruce Clarke, Dows Lane, was concerned regarding number of employees. The Board noted the Village's concern that the Odell Tavern, barn, and other historic elements on the site be preserved. The Applicant agreed to an inspection by the Building Inspector and members of the Historical Society. Additional documentation is to be supplied by the Applicant in January. The public hearing was continued to the January 7, 1998 meeting.

IPB Matter #94-03:
Development

Inc., for Limited Site Development

Plan Approval for property at Broadway,
Riverview Road & Mountain Road.

Application of Westwood
Associates,

Messrs. Padraic Steinschneider and Charles Pateman appeared on behalf of the Application, and described (but did not submit to the Board) a survey of the school driveway and property. This plan will be submitted to the School Engineers for their consideration.

No stenographic transcript of the proceeding was made.

Ministerial:

- Spectrum-Irvington, Legend Hollow Subdivision, will submit Site Development Plan Approval Applications for Lots 12, 19, and 32, for review and public hearing at the January 7, 1998 Planning Board meeting.

- The next regular meeting of the Planning Board was scheduled for January 7, 1998.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary